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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/321,360
Filing Date: May 27, 1999
Appellant(s): GUHEEN ET AL.

MAILED

SEP 21 2007

GROUP 3600

Kenneth F. Smolik
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/6/07 appealing from the Office action
mailed 9/21/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|----------|--------|
| 5,208,765 | TURNBULL | 5-1993 |
| 4,937,743 | RASSMAN | 6-1990 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being obvious over
Rassman, et al (US Patent 4,937,743), and further in view of Turnbull (US Patent
5,208,765).

As per claims 1, 7, 13, Rassman, et al discloses:

displaying a pictorial representation of an existing system including a plurality of components, (Col. 2, lines 59-65, [information about available resources in a provided database is being graphically displayed], Col. 14, lines 13-16, Fig. 7, [shows how resources 123, 233, 224 {which represent components} are displayed]);

identifying, from the plurality of components, a first component group containing additional components and a second component group containing optional components, the additional components being required for an implementation of the system, the optional components being optional for the implementation for the system, (Col. 8, lines 61-8, lines 8-36, shows primary and secondary resources, which represent first and second component groups, respectively. Specifically col. 8, lines 15-20 shows that

during the display of primary resources, the display of several pieces of data relating to secondary resources can be made (secondary pieces of data represent additional components). Also, specifically, in col. 8, lines 20-36, the implementation of an application where the display of secondary resources can be employed to make additional options available, which represent the optional components);

compiling, by the processor...listing of additional components for implementation into the existing system/...compiles...listing of additional components for implementation into the existing system, (Col. 3, lines 7-11, [discloses that the resource information in the database can be updated to have or list the most recent data {resource information}], w/ col. 2, lines 8-17, shows use of project planners are well known where sequential scheduling of tasks are implemented);

determining a first set of the additional components for implementation in a first implementation phase/...determines a first set of the additional components for implementation in a first implementation phase, (Col. 4, lines 58-65, [resource information in the primary database], (Col. 8, lines 8-10, [shows primary resource is planned according to a given block of time {phase} represented by a "cell"]));

determining a second set of additional components for implementation in a second implementation phase/...determines a second set of additional components for implementation in a second implementation phase, (Col. 4, line 66-Col. 5, line 8, [resource information in the secondary database], Col. 8, lines 21-24, [shows secondary resource is represented by a "cell", which represents a given block of time {phase}]);

modifying, through the display adapter by the processor, the pictorial representation of the existing system to show a pictorial representation of the first set of components being indicia coded to indicate that they are to be delivered in the first phase/...modifies the pictorial representation of the first set of components being indicia coded to indicate that they are to be delivered in the first phase (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated], Col. 6, lines 20-22 and lines 25-26, [shows that primary resources {first set of components} are displayed], Col. 14, lines 12-16 and Fig. 7, where the components [represented by resources] for the first phase are indicia coded by the vertical rectangles labeled "Y" One for phase one)

modifying, through the display adapter by the processor, the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase/...modifies the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase, (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated], Col. 6, lines 20-22, lines 27-36, [shows secondary resources are displayed], Col. 14, lines 12-16 and Fig. 7, where the

components [represented by resources] for the second phase are indicia coded by the vertical rectangles labeled "Y" Two for phase two);

and that a proper functioning of the second set of components require an installation of the first set of components in the first phase, (Col. 11, lines 19-24, discloses the establishment of predetermined sequences, where it is necessary that one step be completed before the other).

In this particular claim, computer programs, code segment and logic, and a processor that executes computer-executable instructions for performing the logic are inherent with Rassman, et al's system because since he teaches that his method is carried out in a computer system, computer programs using code segments, logic, and a processor that executes computer-executable instructions for performing the logic is absolutely necessary for the computer to successfully process information and produce results.

The following is also inherent with Rassman, et al since this patent discloses the "management of a plurality of interrelated and interdependent resources using a computer system". In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both hardware and software:

a system for providing a web architecture framework...

Rassman et al fails to specifically disclose an ordered listing, the ordered listing providing an order that is required for installing the components in the web architecture framework, but does disclose the establishment of predetermined sequences, where it

is necessary that one step be completed before the other as shown in col. 11, lines 19-24.

However, Turnbull discloses:

an ordered listing, the ordered listing providing an order that is required for installing the components in the web architecture framework, (Col. 4, lines 14-20, shows that any person desiring to know the status of product development/production can access the product control matrix 100, which informs the person of requirements that have been completed, which constitutes as the required requirements that have been completed for the development of products [which includes installation of components], also see Fig. 1, which shows an ordered listing of requirements for each stage, w/Col. 8 lines 55-64, shows 10 requirements for the product design stage, where these requirements must include information about products used for design, for example Packing Design is listed as one of the requirements, w/ col. 9, lines 3-10, shows that the requirements are not listed in a chronological or sequential order, but shows that this listing is obvious since some requirements must be completed before others, therefore, as requirements are listed as shown in Fig. 1, these requirements may not be in chronological order, but appear, or are in an order as they are required to be completed for each stage). Turnbull discloses this limitation in an analogous art for the purpose of showing that requirements for developing a product [which includes component installation] are performed in a specific order.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize an ordered listing, where the ordered listing provides an

order that is required for installing the components in the web architecture framework with the motivation of having the means to implement the development of products in a specific order.

As per claims 2, 8, 14, Rassman, et al discloses:

wherein a legend is presented which defines the indicia coding...(Col. 7, lines 11-18, Col. 8, lines 5-7 [indicia is being used to define an item]).

As per claims 3, 9, 15, Rassman, et al fails to teach wherein the components of the existing system are selected from the group of components including operation services and developer services. Rassman et al would have utilized operation services and developer services with the motivation of accurately scheduling, monitoring and managing resources of the system.

However Turnbull discloses wherein the components of the existing system are selected from the group of components including operation services and developer services in Col. 2, lines 27-30 in an analogous art for the purpose of properly operating on and developing the product in order to indicate the completion status.

It would have been obvious to one of ordinary skill in the art to select the components of the system from the group of components including operation services and developer services and incorporating these components from Turnbull into Rassman with the motivation of operating on and developing products so they can be successfully scheduled, monitored and managed.

As per claims 3, 9, 15, the following is inherent with Rassman, et al since this patent discloses the "management of a plurality of interrelated and interdependent

resources using a computer system". In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both hardware and software. It would therefore be inherent to incorporate hardware and software components of web architecture since they can be managed and visually represented as described in Rassman:

a system for providing a web architecture framework...

As per claims 4, 10, 16 Rassman, et al discloses:

wherein the components of the existing system are selected from the group of components including...customer-related services...(Col. 4, lines 36-42, Col. 5, lines 51-53, [hospital services are customer-related where the patient is the customer]).

As per claims 5, 11, 17, Rassman, et al discloses:

wherein the indicia coding is selected from the group of indicia coding including texture coding, color coding...(Col. 6, lines 11-5).

As per claims 6, 12, 18, Rassman, et al discloses:

wherein the step of displaying a pictorial representation of an existing system including a plurality of components also includes displaying additional components that may be implemented into the system, (Col. 3, lines 10-11, [displaying resource utilization for the most recent data after data in resource database is updated]).

As per claims 6, 12, and 18, the following is inherent with Rassman, et al since this patent discloses the "management of a plurality of interrelated and interdependent resources using a computer system". In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both

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hardware and software. It would therefore be inherent to incorporate hardware and software components of web architecture since they can be managed and visually represented as described in Rassman:

a system for providing a web architecture framework...

As per claim 19, Rassman et al discloses:

In response to (d), determining remaining components, (Col. 7, lines 55-57, [where it shows that the remaining operating rooms could be scheduled in a similar fashion as the first set of operating rooms in "Case abc"]);

Separating the remaining components into primary components and secondary components, wherein the primary components must be installed before the secondary components can function properly, (Col. 6, lines 19-25, [shows separation of primary and secondary resources by selecting certain resources as the primary and secondary resources], w/Col. 11, lines 19-25, shows predetermined sequences where one step must occur before another)

Including the primary components in the first set of additional components/Including the secondary components in the second set of components, (col. 12, lines 25-31, [shows separation of primary or secondary resources by selecting certain resources as primary/secondary resources, where operating rooms O represents the primary component, and surgeon S, anesthesiologist, A, etc. represent the secondary component]).

(10) Response to Argument

As per claims 1-6, the appellant argues that the combination of Rassman and Turnbull fails to suggest the feature of "identifying, from the plurality of components, a first component group containing additional components and a second component group containing optional components, the additional components being required for an implementation of the system, the optional components being optional for the implementation of the system." Appellant points out that in col. 6, lines 19-38, secondary resources S, A, H, M are necessary and are not optional. Appellant argues that Rassman teaches both primary and secondary resources are necessary for a task (i.e., to perform a medical procedure), and does not even suggest that secondary resources are optional but are merely associated with primary resources. However, as described above in the rejection, Col. 8, lines 61-8, lines 8-36, shows primary and secondary resources, which represent first and second component groups, respectively. Specifically col. 8, lines 15-20 shows that during the display of primary resources, the display of several pieces of data relating to secondary resources can be made. In this case, the secondary pieces of data represent additional components. Also, in Col. 6, lines 19-38, Rassman teaches a system where it may be necessary to use an operating room (most likely to perform surgery), but in this case, the secondary resources may be required in one of the operating rooms, but not required in all operating rooms. Specifically, col. 6, lines 25-30, Rassman shows that out of the "operating rooms", only one requires the surgeon S, anesthesiologist A, heart/lung machine H and heart monitor M. One does not necessarily need all of the secondary resources to perform the surgery in other operating rooms. In addition, in col. 8, lines 20-36, the implementation

of an application where the display of secondary resources can be employed to make additional options available. These additional options represent the optional components. Appellant argues that these are merely optional display functions for displaying a representation of a secondary resource. However, Rassman specifically discloses that "secondary resources could also be employed to make additional options available" in lines 29-30, thus indicating that by displaying these secondary resources, that options are derived from the secondary resources, and that secondary resources can be used for additional options, thereby representing a second component group containing optional components.

In addition, applicant argues that prior art fails to disclose "compiling, by the processor, an ordered listing of additional components for implementation into the existing system, the ordered listing providing an order that is required for installing the components in the web architecture framework,". However, it is the *combination of* Rassman and Turnbull disclose this limitation. First, it is shown that Rassman discloses additional components through several pieces of data relating to secondary resources as described in the preceding paragraph, also, that the resource information in the database can be updated to have or list the most recent data or resource information in Col. 3, lines 7-11, and also the establishment of predetermined sequences, where it is necessary that one step be completed before the other as shown in col. 11, lines 19-24. In addition, Turnbull modifies this limitation. It is Turnbull that discloses the ordered listing. Specifically, in Col. 4, lines 14-20, Turnbull shows that any person desiring to know the status of product development/production can access the product control

matrix 100, which informs the person of requirements that have been completed, which constitutes as the required requirements that have been completed for the development of products [which includes installation of components]. Also in Fig. 1, Turnbull shows an ordered listing of requirements for each stage, and in Col. 8 lines 55-64, Turnbull shows 10 requirements for the product design stage, where these requirements must include information about products used for design, for example Packing Design is listed as one of the requirements. Finally, in col. 9, lines 3-10, it is true that Turnbull shows that the requirements are not listed in a chronological or sequential order.

Although this is the case, Turnbull also discloses that this listing is obvious since some requirements must be completed before others, therefore, as requirements are listed, these requirements may not be in chronological order, *but appear, or are in an order as they are required to be completed for each stage*, therefore indicating some type of order, just not specifically chronological or sequential. Therefore, the combination of Rassman and Turnbull obviously disclose an ordered listing of additional components.

As per claims 7-12 and 13-18, appellant makes similar arguments to those of claims 1-6, and these claims are therefore still rejected for the same reasons.

As per claim 19, appellant argues that prior art used fails to teach "separating the remaining components into primary components and secondary components, wherein the primary components must be installed before the secondary components can function properly." However, the establishment of predetermined sequences, where it is necessary that one step be completed before the other as shown in col. 11, lines 19-24 of Rassman,, thereby indicating that primary components used in a first step need to

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be installed first in order to complete that step, and move on the next step, which involve secondary components. In addition, the primary components of Rassman must be installed before the secondary components can function properly as shown in the operating room example in Col. 6, lines 19-38. In this case, the actual operating room must be incorporated into the process first before any of the secondary resources including the surgeon S, anesthesiologist A, heart/lung machine H and heart monitor M can be implemented to successfully complete the process.

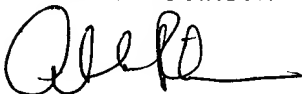
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

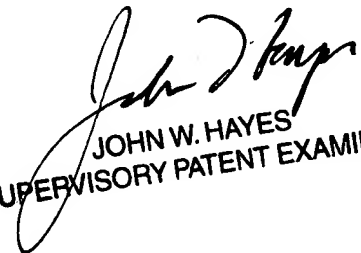
Respectfully submitted,

Akiba Robinson



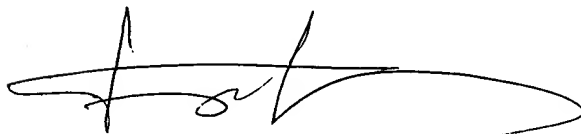
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